

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

THE CITY OF HUNTINGTON,

**Plaintiff,**

v.

CIVIL ACTION NO. 3:17-01362

**AMERISOURCEBERGEN DRUG  
CORPORATION, et al.,**

**Defendants.**

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**CABELL COUNTY COMMISSION,**

**Plaintiff,**

v.

CIVIL ACTION NO. 3:17-01665

**AMERISOURCEBERGEN DRUG  
CORPORATION, et al.,**

**Defendants.**

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**MEMORANDUM OPINION AND ORDER**

Pending before the court is plaintiffs' motion for a non-jury trial. (ECF No. 137). On March 4, 2020, defendants filed a "Notice of Consent to A Bench Trial" wherein they agreed to waive their right to a jury trial and accept plaintiffs' proposal to dismiss their punitive damages claims with prejudice. See ECF No. 191. At the status conference held on March 5, 2020, defendants confirmed their consent to a bench trial.

Based upon the foregoing, plaintiffs' motion for a non-jury trial is **GRANTED**.

The Clerk is directed to send copies of this Order to counsel of record.

**IT IS SO ORDERED** this 12th day of August, 2020.

ENTER:

David A. Faber

David A. Faber  
Senior United States District Judge